

REMARKS

Claims 1, 3-19, and 21-22 are pending in the application.

Independent claims 1, 19 and 21 are amended above to overcome the examiner's section 112, 2nd paragraph rejection. Claims 3 and 7 are amended above to depend upon claim 1. No new matter is added to the application by way of these claim amendments.

I. THE CLAIM 3 AND 7 OBECTIONS

The examiner's objections to claims 3 and 7 for depending upon a cancelled claim are overcome by amending claims 3 and 7 to depend upon claim 1.

II. THE SECTION 112, 2nd PARAGRAPH REJECTION

The examiner rejected claims 1, 3-19 and 21 for being indefinite. In particular, the examiner is of the opinion that, according to the specification, the GMO value is not calculated independently from the LMO value and the claim language suggesting otherwise causes the claims to be indefinite.

The examiner is partially correct that the GMO is based, to a limited extent, on LMO values – but only in that the LMO is used to set pixels in the mask. Calculation of the GMO is the carried out by ignoring the masked pixels. This is the only relationship between the LMO and the result of the GMO. The value of the GMO is then determined using pixel data from the non-masked parts of the image, i.e., without further reference to the LMO values previously calculated. Claims 1, 19 and 21 are amended above to clarify that GMO is calculated independently of LMO values for “those parts of the image not masked.”

This amended claim feature is not found in Egusa. In fact, Egusa discloses exactly the opposite. As can be seen from the Egusa equation at col. 46, line 60, V (which is equivalent to the claimed GMO) is computed by summing the V_k values (which are equivalent to the claims LMOs) where the V_k values are the reliable values, i.e., equivalent to the unmasked regions of the present invention.

III. ALLOWABLE SUBJECT MATTER

The Applicant acknowledges that claim 22 is allowed.

CONCLUSION

All pending application claims are believed to be patentable for at least the reasons recited above. Favorable reconsideration and allowance this application is, therefore, courteously solicited.

Date: March 30, 2009

By: /A. Blair Hughes/
A. Blair Hughes
Reg. No. 32,901
312-913-2123
hughes@mbhb.com